Remarks/Arguments:

Claims 1, 3-9, 11-20, and 22-36 are pending in this application. In the cited final Office Action, the Examiner has continued a (provisional) non-statutory double patenting rejection in light of pending U.S. Patent Application No. 09/654,202, and has made final his rejection of all pending claims under 35 U.S.C. § 103(a) as being obvious over Wenig and Yaginuma (as to claims 1, 4-7, 9, 11-12, 14-20, and 22-36); and obvious over Wenig, Yaginuma and Hunt (as to claims 3, 8 and 13).

Claim 1 recites that a line corresponding to a shopping session intersects less than all of the axes representing shopping steps. This non-intersection with an axis is termed herein as a "dropout" for brevity, and by way of example, is depicted in Fig. 8 as the termination of line 810 at the "clickthroughs" axis, and of lines 812 and 813 at the "basket placement" axis. Dropouts are included in every independent claim, in slightly differing language.

The Examiner's stated rejection to the dropout aspect of the independent claims relate only to Yaginuma, which teaches displaying the results of a data mining process using a parallel axis coordinate system. Yaginuma's examples concern products and events having multiple data fields in a database, but not clickstream data. The Examiner's position appears to be that, when combining Yaginuma with the teachings of Wenig related to user session data, it is implicit that a poygonal line would drop out where the underlying data show a field not satisfied for a particular event (so long as that field is not represented by the last parallel axis). The Office Action recites that clickstream data cannot be captured and stored if a clickstream data at that point/sequence in a shopping session does not occur.

Applicant's position is that Yaginuma discloses in every instance that the axes of the parallel coordinate display are mandatory data fields, so only events or products that satisfy each and every data field are returned from the data mining process (and therefore all displayed polygonal lines must intersect each and every parallel axis). Any product/event that would exhibit a dropout according to the present invention would be excluded by Yaginuma's data mining process and never be displayed. Since Yaginuma is the only reference that teaches displaying data in a manner relevant to the claims (Wenig teaches reproducing web pages

visited during a user session), we assert the combination fails to fairly teach or suggest each and every claim element, regardless of the nature of the underlying database that is searched.

Specifically, and as noted in the Applicant's previous Response, Yaginuma teaches displaying the *same* number of coordinate axes as fields detected (col. 6, lines 43-45); searching the entire record and obtaining values for *each* field (col. 6, lines 49-50); and connecting the data points with a line (col. 7, lines 1-2) (emphases added). These are explicit teachings in direct opposition to the teachings that the Examiner asserts are implicit in the combination, and Applicant contends that the explicit teachings must prevail in such an instance. In that vein, Applicant has argued that neither reference appears to recognize that unrealized web activity (the discontinuity evidenced by the dropout) holds valuable information. There appears no option fairly within the art to display a polygonal line that does not pass through each and every parallel axis; such data is simply not returned from the data mining process for display. In contradistinction, the pending claims are to a graphical representation (or visualization or display as the independent claims recite). Applicant perceives overlapping lines but no dropout in Yaginuma's Figure 32, which is referenced by the Examiner as an example of the latter.

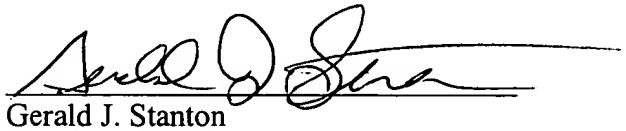
Apart from the contended implicitness of the teachings, the Examiner appears to assert that when combining the teachings of Wenig with Yaginuma, it would be obvious to display dropouts due to the nature of the underlying Wenig data. Applicant has argued that, for an event or product that would exhibit a dropout if displayed according to the present invention, Yaginuma unambiguously teaches away from displaying it by teaching that all such events/products are excluded during the data mining process.

The Applicant has previously argued separately for patentability based on sequential event data and on certain dependent claims, including those reciting filters and categorizers (e.g., claims 5, 11, 12 and 13). The Applicant does not abandon those separate arguments, but limits this Response to summarizing arguments concerning what we view as the starker differences between the independent claims and the cited art. In the final Office Action, the Examiner noted the article entitled "WESTON TECHNOLOGY INVESTMENT, SAVVION, PARTNERS WITH FUJITSU TO BUILD SMARTER E-BUSINESS SOLUTIONS", *PR Newswire*, New York, Aug. 11, 2000.

That article is seen to teach, in relevant part, using a parallel coordinate display to visualize the results of a database query. It is not seen to disclose, teach, or fairly suggest the dropout aspects argued above, or to relevantly add beyond Yaginuma. Applicant's subsequent internet search concerning the Fujitsu/Savvion software failed to return information relevant to the above summarized arguments (though many search results were in Japanese and not fully translated).

Applicant respectfully suggests that the Examiner's characterization of the prior art may be influenced by insidious but improper hindsight, and requests the Examiner review the teachings of those references afresh. Applicant believes that, in at least the dropout aspect, the claims patentably distinguish over a fair reading of the combined references. Respecting the provisional double-patenting rejection, the Applicant intends to respond with a terminal disclaimer upon that rejection becoming non-provisional. Applicant respectfully requests that the Examiner withdraw all rejections and pass claims 1, 3-9, 11-20, and 22-36 to issuance. The undersigned remains available to discuss via teleconference any appropriate issues that may remain, at the Examiner's discretion.

Respectfully submitted:



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 30, 2004
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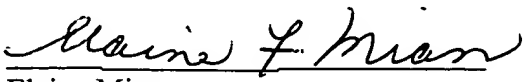

Elaine Mian